



STARBUZZ TOBACCO, INC.
LEGAL DEPARTMENT

10871 FORBES AVE. GARDEN GROVE, CA 92843

Tel: (714) 995-4119 Fax: (714) 995-4100

Martin@Starbuzztobacco.com

March 25, 2014

Via Certified First Class Mail
Return Receipt Requested

Business Manager
Halo Cigs
231 West Parkway Suite 1
Pompton Plains, NJ 07444

RE: Infringement of Starbuzz Tobacco, Inc.'s Trademarks

Dear Sir or Madam :

We represent Starbuzz Tobacco, Inc. ("Starbuzz") in connection with its ownership rights in its trademarks. Starbuzz provides a wide range of tobacco products and accessories, including pipe tobacco, smoking tobacco, molasses tobacco and flavored tobacco, electronic cigarettes, hookahs, hookah accessories, cigars and cigar accessories, and charcoal. Starbuzz also provides services in the form of retail and wholesale distributorship of tobacco, pipe tobacco, smoking tobacco, flavored tobacco, molasses tobacco, charcoal, hookahs and accessories.

Our client is the owner of more than one hundred and sixty (160) federal trademark registrations and applications in International Class 034, including, without limitation, "BLUE MIST", "CITRUS MIST", "HAWAIIAN MIST", "PEACH MIST" and "TROPICAL MIST" (Reg. No. 3,619,407, 3,695,500, 4,196,953, 4,287,968 and 4,196,957 respectively) ("Starbuzz Marks").

We recently discovered that your company is selling, distributing and advertising for sale products bearing the names "COOL MIST" ("Infringing Marks"). The Infringing Marks are identical or substantially similar in sound, appearance, and overall commercial impression to the Starbuzz Marks. Therefore your use of the Infringing Marks is likely to cause confusion, mistake, or deception amongst consumers as to the source and/or sponsorship of the services and products you provide. Accordingly, your use of the Infringing Marks constitutes infringement of Starbuzz Marks, as well as unfair competition, in violation of the Lanham Act (15 U.S.C. § 1051, et. seq.) and the common law.

Starbuzz intends to vigorously protect its valuable rights to the fullest extent possible. When necessary, Starbuzz has pursued formal action to protect its rights and obtained favorable resolutions. Starbuzz is confident that it will achieve a similar result in any action against your company and its corporate officers for trademark infringement.

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Therefore Starbuzz demands that you:

- (i) cease and desist all use of the Infringing Marks;
- (ii) destroy any labels, advertising, packaging, and any other materials that have been manufactured or printed bearing the Infringing Marks.
- (iii) remove all references to the Infringing Marks from all of your website(s) and advertising and promotional materials;
- (iv) cease and desist from all use of the Infringing Marks and agree not to use them or any other trademark, logo, or name which is confusingly similar thereto in the future;
- (v) inform all of your customers that you are not affiliated with Starbuzz, that you had no right to use the Infringing Marks, and that you will no longer be using the Infringing Marks in the future;
- (vi) destroy any and all products bearing the Infringing Marks;
- (vii) provide an accounting of:
 - a. all of the revenue you have generated in connection with your use of the Infringing Marks;
 - b. the entire inventory of any and all products bearing the Infringing Marks, labels, advertising, packaging and/or any other materials that have ever been manufactured by or for you bearing the Infringing Marks;
 - c. the inventory of any and all products bearing the Infringing Marks, labels, advertising, packaging and/or other materials remaining in stock and being destroyed in accordance with this demand; and
 - d. the inventory of any and all products bearing the Infringing Marks distributed by you prior to the receipt of this demand.
- (viii) pay Starbuzz's monetary damages and attorney's fees for your deliberate infringement of Starbuzz's rights;

It is Starbuzz's intention to resolve this matter expeditiously and amicably. Prompt acquiescence to Starbuzz's demands, however, is a necessary prerequisite to such resolution.

Please note that all of Starbuzz's rights, remedies, legal and factual positions, above and beyond those stated herein, are expressly reserved. If you have any questions, or concerns, please feel free to call me. We look forward to your immediate response and an amicable resolution on or before **April 7, 2014**.

Very truly Yours,

STARBUZZ LEGAL DEPARTMENT

Martin E. Jerisat

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Enclosures



Civil Case Search
Thu Apr 17 14:24:26 2014
19 records found

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Client: COOL MIST
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1 Starbuzz Tobacco Inc v. Fusion Tobacco Inc et al	caedce	5:2009-cv-01480	840	08/05/2009	04/09/2010
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2 Starbuzz Tobacco Inc v. Lorillard Inc et al	caedce	8:2010-cv-01023	840	07/07/2010	09/08/2010
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3 Starbuzz Tobacco Inc v. Starz Hookah Lounge LLC et al	caedce	8:2010-cv-01016	840	07/02/2010	04/26/2011
Starbuzz Tobacco Inc v. Starz Hookah Lounge LLC et al	caedce	8:2010-cv-01016	840	07/02/2010	04/26/2011
4 Starbuzz Tobacco Inc v. Tagseem Inc et al	caedce	8:2011-cv-00928	890	06/20/2011	08/02/2012
Starbuzz Tobacco Inc v. Tagseem Inc et al	caedce	8:2011-cv-00928	890	06/20/2011	08/02/2012
5 Starbuzz Tobacco Inc v. Thomas J Vilsack et al	caedce	8:2014-cv-00269	840	02/25/2014	
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6 Starbuzz Tobacco, Inc. v Ego Premium Liquids, Inc., et al	caedce	8:2014-cv-00269	840	02/25/2014	
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7 Starbuzz Tobacco, Inc. v. Al-Amir, Inc., et al	miedce	2:2010-cv-11171	840	03/23/2010	03/03/2011
Starbuzz Tobacco, Inc. v. Al-Amir, Inc., et al	miedce	2:2010-cv-11171	840	03/23/2010	03/03/2011
8 Starbuzz Tobacco, Inc. v. Fantasia Distribution Inc. et al	caedce	8:2012-cv-01328	840	08/17/2012	04/08/2013
Starbuzz Tobacco, Inc. v. Fantasia Distribution Inc. et al	caedce	8:2012-cv-01328	840	08/17/2012	04/08/2013
9 Starbuzz Tobacco, Inc. v. Greenland Investments and Financials, Inc. et al	caedce	8:2012-cv-00944	840	06/13/2012	07/19/2012
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10 Starbuzz Tobacco, Inc. v. Hardbuzz Tobacco, LLC et al	caedce	8:2013-cv-01844	840	11/25/2013	
Starbuzz Tobacco, Inc. v. Hardbuzz Tobacco, LLC et al	caedce	8:2013-cv-01844	840	11/25/2013	
11 Starbuzz Tobacco, Inc. v. Layalina Tobacco Manufacturing F.Z.C. et al	caedce	8:2013-cv-00144	840	01/29/2013	
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12 Starbuzz Tobacco, Inc. v. OOZY VAPORS D/B/A OOZYVAPORS.COM et al	caedce	8:2014-cv-00590	840	04/16/2014	
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13 Starbuzz Tobacco, Inc. v. PHD Marketing, Inc. et al	caedce	8:2014-cv-00487	840	03/31/2014	
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14 Starbuzz Tobacco, Inc. v. PHD Marketing, Inc. et al	caedce	8:2014-cv-00586	840	04/14/2014	
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15 Starbuzz Tobacco, Inc. v. Rami K. Abdallah et al	caedce	2:2010-cv-03833	840	05/20/2010	02/22/2012
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16 Starbuzz Tobacco, Inc. v. Saeed	candce	3:2013-cv-03837	840	08/19/2013	
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17 Starbuzz Tobacco, Inc. v. Wisam Namou	casdce	3:2013-cv-01539	820	07/02/2013	
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18 STARBUZZ TOBACCO, INC. v. Vaporizeme, Inc., et al	flsdce	1:2014-cv-21326	840	04/14/2014	
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19 Starbuzz Tobacco, Incorporated v. Hammoud et al	miedce	2:2008-cv-12211	840	05/20/2008	03/17/2009
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